

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In Re:

Matthew Paul Kachmar
Mary Elizabeth Kachmar
Debtors

Case No. 19-30452-KLP
Chapter 13
Chapter 13 Trustee: Suzanne Wade

MOTION FOR AUTHORITY TO MODIFY EXISTING MORTGAGE

Comes now debtors, Matthew Paul Kachmar and Mary Elizabeth Kachmar, by counsel, and file this Motion for Authority to Modify Existing Mortgage pursuant to 11 U.S.C. §§ 364, Federal Rules of Bankruptcy Procedure 4001(c) and Local Bankruptcy Rule 6004-4 and affirmatively state as follows:

JURISDICTION

Jurisdiction of this court over the instant matter is based upon 28 U.S.C. §§ 1334 and 157 in that this action arises in and relates to debtors' bankruptcy case. This proceeding is a core proceeding under 28 U.S.C. § 157(b)(2)(A), (B), (K), and (O) and venue is proper pursuant to 28 U.S.C. § 1409.

FACTS OF THIS CASE

1. On January 29, 2019, (hereinafter "petition date"), debtors filed a petition for relief under Chapter 13 of the Bankruptcy code.
2. The Chapter 13 plan ("plan") has been confirmed by the court.
3. The plan requires payments to the Chapter 13 trustee as follows: \$240.00 monthly for 36 months. Total plan funding is \$8,640.00.
4. The debtors currently have a mortgage with Home Point Financial.

DISCUSSION

Debtors seek to modify their existing loan with Home Point Financial, which is secured by real property commonly known at 909 Hartford Lane, N. Chesterfield, VA 23236. Home Point Financial has tendered a document to debtor detailing the terms of

a proposed loan modification. Said document is attached to this motion as an exhibit and incorporated herein by this reference. The terms of the proposed modification are as follows:

- A. The principal amount of the original loan is \$184,496.00 and the principal amount of the loan immediately after modification is \$175,465.48;
- B. The interest rate applicable to the loan before modification is 3.75% fixed rate mortgage and the interest rate applicable to the loan immediately after modification is 3.75% fixed rate mortgage;
- C. The term of the loan before modification is 331 months and the term of the loan immediately after modification is 331 months;
- D. The monthly mortgage payment on the loan before modification, without including payment for any items other than principal and interest is \$1,171.64;
- E. The monthly mortgage payment on the loan immediately after modification, without including payment for any items other than principal and interest, is \$1,171.64;
- F. The modified loan does not include future payment changes or balloon payments;
- G. The modification will result in no change to the current monthly payment. The debtors do not intend to increase their plan payment;
- H. Any and all mortgage arrearages, including pre-petition and post-petition arrearages, if any, shall be reamortized and the Trustee is relieved from making payments on the arrears claim;
- I. The proposed loan modification is beneficial to the debtors because it allows them to bring their mortgage obligation to a current status.

WHEREFORE, for the foregoing reasons, the debtors, Matthew Paul Kachmar and Mary Elizabeth Kachmar, by counsel, respectfully move this Honorable Court to enter an order permitting them to modify the current loan with Home Point Financial, as set forth herein and for such other and ruther relief as the court deems proper.

Respectfully submitted,

Matthew Paul Kachmar
Mary Elizabeth Kachmar

/s/ J. Bradley Winder, Jr.
Virginia Bar Number 70353
FERRISWINDER PLLC
9327 Midlothian Turnpike, Suite 1J
Richmond, VA 23235
Tel: 804-767-1800

CERTIFICATE

I hereby certify that on October 18, 2019, I transmitted a true copy of the foregoing document electronically through the Court's CM/ECF system or by mail to debtor, the Chapter 13 Trustee, to all known lienholders, and to creditors or parties in interest who have requested all notices in the case at the addresses listed below (if applicable).

/s/ J. Bradley Winder, Jr.
Counsel for Debtors

Home Point Financial
11511 Luna Road, 2nd & 3rd Floors
Farmers Branch, TX 75234